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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

12 STEPHEN CHANG and HONGYAN)
CHEN,)
13 Plaintiffs,)
14 v.)
15 MICHAEL CHERTOFF, Secretary,)
Department of Homeland Security;)
16 ROBERT S. MUELLER, III, Director of the)
Federal Bureau of Investigation,)
17 Defendants.)
18 _____)
EX PARTE APPLICATION TO
RESCHEDULE HEARING ON CROSS
MOTIONS FOR SUMMARY
JUDGMENT; [PROPOSED] ORDER

19 On September 10, 2007, Defendants answered Plaintiffs' Complaint and moved to dismiss
20 the Federal Bureau of Investigation. On the same date, Plaintiffs moved for summary judgment.
21 Defendants have opposed Plaintiffs' motion, and cross moved for summary judgment. Hearing is
22 set for October 16, 2007, on both Defendant Mueller's motion to dismiss and Plaintiffs' motion for
23 summary judgment. The current schedule does not allow Defendants time to reply to Plaintiffs'
24 opposition to their cross motion for summary judgment.

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Accordingly, Defendants hereby request the Court to extend the hearing date on the cross motions for summary judgment from October 16, 2007, to October 30, 2007,¹ at 1:00 p.m. Undersigned counsel has communicated with counsel for Plaintiffs, who oppose this request.

Dated: October 2, 2007

Respectfully submitted,

SCOTT N. SCHOOLS
United States Attorney

/s/
MELANIE L. PROCTOR
Assistant U.S. Attorney

ORDER

Defendants have shown good cause for the extension request. The hearing on the cross motions for summary judgment is hereby rescheduled to October 30, 2007. IT IS SO ORDERED.

Dated:

SAUNDRA B. ARMSTRONG
United States District Court Judge

¹Defendants' counsel currently has a hearing in San Jose on October 23, 2007, and thus cannot be in Oakland on that date.